



#3
PATENT
Docket No. 393382001600
Client Ref. 3014.3

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: NUCLEIC ACID ANALYSIS USING COMPLETE N-MER ARRAYS, the specification of which was filed on September 13, 1999 and assigned U.S. Serial Number 09/394,230.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/100,393	September 15, 1998


I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date _____ Name: Kevin L. GUNDERSON
Residence: 543 Juniper Hill Drive, Encinitas, California 92024
Citizenship: US
Post Office Address: 543 Juniper Hill Drive, Encinitas, California 92024

Date _____ Name: Mark S. CHEE
Residence: 155 15th Street, #24, Del Mar, California 92014
Citizenship: Australia
Post Office Address: 155 15th Street, #24, Del Mar, California 92014

11/24/99
Date _____ 
Name: David J. LOCKHART
Residence: 510 Torrey Point Road, Del Mar, California 92014
Citizenship: US
Post Office Address: 510 Torrey Point Road, Del Mar, California 92014



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11/24/99
 Date

Kevin L. Gundersen
 Name: Kevin L. GUNDERSON
 Residence: 1543 Juniper Hill Drive, Encinitas, California 92024
 Citizenship: US
 Post Office Address: 1543 Juniper Hill Drive, Encinitas, California 92024

 Date

 Name: Mark S. CHEE
 Residence: 155 15th Street, #24, Del Mar, California 92014
 Citizenship: Australia
 Post Office Address: 155 15th Street, #24, Del Mar, California 92014

 Date

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Date _____ Name: David J. LOCKHART
 Residence: 510 Torrey Point Road, Del Mar, California 92014
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COPY

Docket No. 393382001600

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Mark Chee, an Australian citizen residing at 155 15th Street, #24, Del Mar, CA 92014, hereinafter referred to as "Assignor," is an inventor of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: NUCLEIC ACID ANALYSIS USING COMPLETE N-MER ARRAYS

Date(s) of execution of Declaration: November 24, 1999

Filing date: September 13, 1999 Application No.: 09/394,230; and

WHEREAS, Affymetrix, Inc. a Delaware corporation, located at 3380 Central Expressway, Santa Clara, CA 95051, hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention, and (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Date: 11/30/99

Mark Chee
Mark Chee

COPY

Attorney Docket No.: 393382001600
Client Ref. 3014.3

ASSIGNMENT
JOINT

THIS ASSIGNMENT, by Kevin L. GUNDERSON, Mark S. CHEE, David J. LOCKHART (hereinafter referred to as the assignors), residing at 543 Juniper Hill Drive, Encinitas, California 92024; 155 15th Street, #24, Del Mar, California 92014; and 510 Torrey Point Road, Del Mar, California 92014, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in NUCLEIC ACID ANALYSIS USING COMPLETE N-MER ARRAYS, set forth in an application for Letters Patent of the United States, having an oath or declaration executed on even date herewith; bearing Serial No. 09/394,230 and filed on September 13, 1999; and

WHEREAS, Affymetrix, Inc., a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at 3380 Central Expressway, Santa Clara, California 95051 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

Date

Kevin L. GUNDERSON

Date

Mark S. CHEE

11/24/99

Date

David J. LOCKHART

David J. Lockhart

Attorney Docket No.: 393382001600
Client Ref. 3014.3

COPY

COPY

ASSIGNMENT
JOINT



Attorney Docket No.: 393382001600
Client Ref. 3014.3

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THIS ASSIGNMENT, by Kevin L. GUNDERSON, Mark S. CHEE, David J. LOCKHART (hereinafter referred to as the assignors), residing at 543 Juniper Hill Drive, Encinitas, California 92024; 155 15th Street, #24, Del Mar, California 92014; and 510 Torrey Point Road, Del Mar, California 92014, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in NUCLEIC ACID ANALYSIS USING COMPLETE N-MER ARRAYS, set forth in an application for Letters Patent of the United States, having an oath or declaration executed on even date herewith; bearing Serial No. 09/394,230 and filed on September 13, 1999; and

WHEREAS, Affymetrix, Inc., a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at 3380 Central Expressway, Santa Clara, California 95051 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

11/24/99
Date


Kevin L. GUNDERSON

Date

Mark S. CHEE

Date

David J. LOCKHART

COPY



PATENT
Docket No. 393382001600
Client Ref. ~~3014.3~~ 3248

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3

In the application of:

Kevin L. GUNDERSON *et al.*

Serial No.: 09/394,230

Filing Date: September 13, 1999

For: NUCLEIC ACID ANALYSIS USING
COMPLETE N-MER ARRAYS

Examiner: Not Yet Assigned

Group Art Unit: 1643

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY
UNDER 37 C.F.R. § 3.71**

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Affymetrix, Inc., the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Sanjay Bagade (Reg No. 42,280)	Erwin J. Basinski (Reg No. 34,773)
Richard R. Batt (Reg No. 43,485)	Frank P. Becking (Reg No. 42,309)
Kimberly A. Bolin (Reg No. P-44,546)	Sean Brennan (Reg No. 39,917)
Barry E. Bretschneider (Reg No. 28,055)	Nicholas Buffinger (Reg No. 39,124)
Jingming Cai (Reg No. P-44,579)	Alan W. Cannon (Reg No. 34,977)
Mark R. Carter (Reg No. 39,131)	Robert K. Cerpa (Reg No. 39,933)
Thomas Chuang (Reg No. P-44,616)	Thomas E. Ciotti (Reg No. 21,013)
Steven X. Cui (Reg No. P-44,637)	Matthew M. D'Amore (Reg No. 42,457)
Raj S. Davé (Reg No. 42,465)	Stephen C. Durant (Reg No. 31,506)
Carolyn A. Favorito (Reg No. 39,183)	Hector Gallegos (Reg No. 40,614)
Franklin Y. Han (Reg No. 41,055)	Douglas Hodder (Reg No. 41,840)
Charles D. Holland (Reg No. 35,196)	Peter Hsieh (Reg No. P-44,780)
Madeline I. Johnston (Reg No. 36,174)	Richard D. Jordan (Reg No. 33,519)
Ararat Kapouytian (Reg No. 40,044)	Phanesh B. Koneru (Reg No. 40,053)
Kawai Lau (Reg No. 44,461)	Susan K. Lehnhardt (Reg No. 33,943)
Richard H. Lilley (Reg No. 42,803)	David C. Liu (Reg No. P-43,755)

Wen Liu (Reg No. 32,822)
Harry J. Macey (Reg No. 32,818)
Thomas D. Mays (Reg No. 34,524)
Kate H. Murashige (Reg No. 29,959)
William C. Revelos (Reg No. 42,101)
Robert Saltzberg (Reg No. 36,910)
Kevin R. Spivak (Reg No. 43,148)
E. Thomas Wheelock (Reg No. 28,825)
Karen K. Wong (Reg No. 44,409)
Vern Norviel (Reg No. 32,483)
Wei Zhou (Reg No. 44,419)
Rosemary Celli (Reg No. 42,397)

David C. Lundmark (Reg No. 42,815)
Michael J. Mauriel (Reg No. 44,226)
Gladys H. Monroy (Reg No. 32,430)
Catherine M. Polizzi (Reg No. 40,130)
Paul J. Riley (Reg No. 38,596)
Debra A. Shetka (Reg No. 33,309)
Suzannah K. Sundby (Reg No. 43,172)
Thomas G. Wiseman (Reg No. 35,046)
Frank Wu (Reg No. 41,386)
Phillip L. McGarrigle (Reg No. 31,395)
Ellen Gonzales (Reg No. 44,128)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

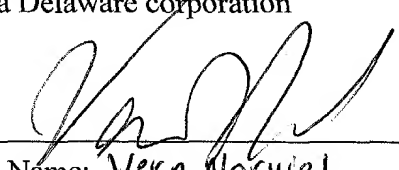
Please direct all written communications relative to this application to:

Phanesh B. Koneru
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018

Please direct all telephone communications to Phanesh B. Koneru at (650) 813-5878.

AFFYMETRIX, INC.
a Delaware corporation

Dated: 12/8/99


Name: Vern Norviel

Title: Sr. Vice President & General Counsel
Address: 3380 Central Expressway
Santa Clara, CA 95051